UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,222	06/04/2001	David Jeffrey Miller	10010869-1	4537

7590 02/04/2005	EXAMINER
HEWLETT-PACKARD COMPANY	TUCKER, WESLEY J

Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 December 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-5 and 7-15</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-5 and 7-15</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>04 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October-14-2004 has been entered.

Response to Amendments and Arguments

1.   Applicant's response to the last Office Action, filed December 10, 2004, has been entered and made of record.

2.   Applicant has amended claims 1, 2, 4, 7, 8 and 12 and cancelled claims 6 and 16 and 12. Claims 6-10 are pending.

3.   Applicant's arguments have been fully considered and are persuasive. The previous rejection has been withdrawn. A new rejection has been made in view of U.S. Patent 6,829,378 to DiFilippo et al. under 35 U.S.C. 102.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-5 and 7-15 are rejected under 35 U.S.C. 102(e) as being anticipated by

U.S. Patent 6,829,378 to DiFilippo et al.

With regard to claim 1, DiFilippo discloses a digital image routing system

comprising means for receiving a digital packet <u>at a digital image routing system,</u>

<u>wherein the digital image packet was directly sent</u> from a customer <u>via a network to the</u>

<u>digital image routing system, wherein the digital image packet</u> includes a digital image

from a digital camera and a customer preference parameter (Fig. 2, elements 30 and

32, column 4, lines 57-65, column 6, lines 62-67 and column 7, lines 1-17). DiFilippo

discloses sending an image along with information about the image such as type of

process to be performed on that image to a Web Server 30 and Application Server 32.

DiFilippo also discloses the invention to be in the environment of digital imaging

technology (column 1, lines 39-41), which is interpreted to include digital cameras.

DiFilippo further discloses means for selecting a remote digital image editing

system according to the customer preference parameter using the digital image routing

system (Fig. 2, element 38, column 4, lines 57-65 and column 7, lines 25-32). DiFilippo

discloses sending an image from a Web Server 30 and Application Server 32, to a

proper processing server(s) 38.

DiFilippo further disclose means for transmitting the digital image packet to <u>the</u>

<u>selected</u> remote digital image editing system <u>from the digital image routing system via</u>

<u>the network </u>(column 4, line 66 – column 5, line 9). DiFilippo discloses sending an

image from a Web Server 30 and Application Server 32, to a proper processing

server(s) 38 which are interpreted as the remote digital editors.

With regard to claim 2, DiFilippo discloses the digital image routing system of

claim 1, further comprising means for enhancing the digital image <u>using the selected</u>

<u>remote digital editing system</u> based on the customer preference parameter (column 5,

lines 10-13). DiFilippo discloses that the processor information collected by the user is

used by the processing servers as needed in order to perform the desired operation.

Means for transmitting an enhanced digital image packet <u>to the customer via the</u>

<u>network wherein the enhanced digital image packet</u> includes an enhanced digital image

and an enhancement description packet that describes the enhancements made for

each of the digital images (column 4, lines 11-16 and column 7, lines 40-47). DiFilippo

discloses transferring the processed image along with information about the processing

back to the user.

With regard to claim 3, DiFilippo discloses the digital image routing system of

claim 2, wherein means for enhancing the digital image, includes means for

automatically enhancing the image based on the customer preference parameter

(column 4, line 57- column 5, line 9). DiFilippo discloses that the image data is sent

along with enhancement information and that the image information is automatically

sent to the appropriate processors and further discloses that even more automation

may be applied in the form of creating increased productivity and efficiency by using

multiple instances of frequently used applications.

With regard to claim 4, DiFilippo discloses a digital enhancement system

comprising means for receiving a digital image packet <u>directly</u> from a customer <u>via a</u>

<u>network, wherein the digital image packet</u> includes a digital image form a digital camera

and a customer preference parameter (Fig. 2, elements 30 and 32, column 4, lines 57-

65, column 6, lines 62-67 and column 7, lines 1-17). DiFilippo discloses sending an

image along with information about the image such as type of process to be performed

on that image to a Web Server 30 and Application Server 32, which are interpreted as

the routing system together. DiFilippo also discloses the invention to be in the

environment of digital imaging technology (column 1, lines 39-41), which is interpreted

to include digital cameras.

DiFilippo further discloses <u>means for selecting a remote digital image editing</u>

<u>system according to the customer preference parameter</u> (Fig. 2, element 38, column 4,

lines 57-65 and column 7, lines 25-32). DiFilippo discloses sending an image from a

Web Server 30 and Application Server 32, to a proper processing server(s) 38 or

remote digital editing systems.

DiFilippo further discloses means for transmitting the digital image packet to the

selected remote digital editing system (Fig. 2, elements 32 and 38). DiFilippo discloses

transferring the image to the proper processing server(s).

DiFilippo further discloses means for enhancing the digital image at the selected

remote digital image editing system based on the customer preference parameter

(column 5, lines 10-13 and lines 31-54). DiFilippo discloses that the processor

information collected by the user is used by the processing servers as needed in order

to perform the desired operation and also discloses image enhancements performed.

DiFilippo discloses means for transmitting an enhanced digital image packet to

the customer via the network, wherein the enhanced digital image packet includes an

enhanced digital image and an enhancement description packet that describes the

enhancement description packet that describes the enhancements made for each of the

digital images (column 4, lines 11-16 and column 7, lines 40-47). DiFilippo discloses

transferring the processed image along with information about the processing back to

the user.

With regard to claim 5, DiFilippo discloses the digital image enhancement system

of claim 4, wherein the means for enhancing the digital image, includes means for

automatically enhancing the digital image based on the customer preference parameter

(column 4, line 57- column 5, line 9). DiFilippo discloses that the image data is sent

along with enhancement information and that the image information is automatically

sent to the appropriate processors and further discloses that even more automation

may be applied in the form of creating increased productivity and efficiency by using

multiple instances of frequently used applications.

With regard to claim 7, the discussion of claim 1 applies. Claim 7 repeats the

limitations of claim 1 except that claim 7 refers to a method instead of a system. The

method is disclosed in the function of the system as discussed.

With regard to claim 8, the discussion of claim 2 applies.

With regard to claim 9, the discussion of claim 3 applies.

With regard to claim 10, DiFilippo discloses the digital image routing method of

claim 7, further comprising the step of enhancing the digital image automatically using

an automatic digital image enhancement system (column 4, line 57- column 5, line 9).

DiFilippo discloses that the image data is sent along with enhancement information and

that the image information is automatically sent to the appropriate processors for

enhancement or analysis according to the information indicated by the user and further

discloses that even more automation may be applied in the form of creating increased

productivity and efficiency by using multiple instances of frequently used applications.

With regard to claim 11, DiFilippo discloses the image routing method of claim

10, further comprising the steps of:

Storing an enhancement performed on a previous digital image (column 7, lines

40-47). DiFilippo discloses storing an analysis, which is interpreted as an image

enhancement and result.

Analyzing the enhancement performed on the previous digital image (column 7,

lines 47-53). DiFilippo discloses generating a re-analysis report or re-run report, which

is determined by analyzing the analysis of DiFilippo, or image enhancement performed

and its results.

Establishing the enhancement parameter to be used by the automatic digital

image enhancement system to automatically enhance the digital image (column 7, line

65 – column 8, line 7). DiFilippo discloses establishing a parameter either by

suggesting a new one or alternatively not offering one, suggesting that the present

parameter is fine to use again.

With regard to claim 12, DiFilippo discloses a digital enhancement method,

comprising the steps of:

Receiving a digital image packet <u>directly</u> from a <u>customer via a network, wherein</u>

<u>the digital image packet</u> includes a digital image form a digital camera and a customer

preference parameter (Fig. 2, elements 30 and 32, column 4, lines 57-65, column 6,

lines 62-67 and column 7, lines 1-17). DiFilippo discloses sending an image along with

information about the image such as type of process to be performed on that image to a

Web Server 30 and Application Server 32.

DiFilippo Further discloses selecting a remote digital image editing system

according to the customer preference parameter (Fig. 2, element 38, column 4, lines 57-

65 and column 7, lines 25-32). DiFilippo discloses sending an image from a Web

Server 30 and Application Server 32, to a proper processing server(s) 38.

DiFilippo further discloses transmitting the digital image packet to the selected

remote digital image editing system (column 4, line 66 – column 5, line 9). DiFilippo

discloses sending an image from a Web Server 30 and Application Server 32, to a

proper processing server(s) 38 which are interpreted as the remote digital editors.

DiFilippo further discloses enhancing the digital image at the selected remote

digital image editing system based on the customer preference parameter (column 5,

lines 10-13). DiFilippo discloses that the processor information collected by the user is

used by the processing servers as needed in order to perform the desired operation.

DiFilippo further discloses transmitting an enhanced digital image packet to the

customer via the network, wherein the enhanced digital image packet includes an

enhanced digital image and an enhancement description packet that describes the

enhancements made for each of the digital images (column 4, lines 11-16 and column

7, lines 40-47). DiFilippo discloses transferring the processed image along with

information about the processing back to the user.

With regard to claims 13, 14, and 15, the discussions of claims 9, 10, and 11
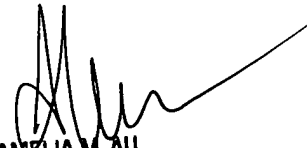
apply respectively.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Wes Tucker whose telephone number is 703-305-6700.

The examiner can normally be reached on 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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Wes Tucker

1-31-05